

FILED  
2008 MAR -7 PM 12:22

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**CHOICE PHILLIPS III,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

) **Case Nos 1:08 CV 545**

) **1:07 CR 219**

) **Judge Dan Aaron Polster**

) **MEMORANDUM OF OPINION**

) **AND ORDER**

For the reasons stated in the Memorandum of Opinion and Order filed contemporaneously with this Judgment Entry, and pursuant to Federal Rule of Civil Procedure 58, it is hereby ORDERED, ADJUDGED AND DECREED that the above-captioned case is hereby terminated and dismissed as final.

Furthermore, pursuant to 28 U.S.C. §2253(c) and Fed. R. App. P. 22(b), there is no basis upon which to issue a certificate of appealability. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal from this decision could not be taken in good faith.

**IT IS SO ORDERED.**



**Dan Aaron Polster  
United States District Judge**